

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Second Judicial District Court, County of Silver Bow

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-18-140
	)	
	)	D E C I S I O N
ERIK ROBERT HUNT,	)	
	)	
Defendant.	)	

On December 12, 2018, the District Court sentenced the Defendant to the Montana State Prison for a term of ten (10) years, with five (5) of those years suspended, for the offense of Count I: Theft, a Felony, in violation of §45-6-301, MCA 2017. The Court ordered the sentence to run consecutively with the sentence imposed in DC-18-128. The Court granted credit for time served in the amount of 218 days.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2<sup>nd</sup> day of May, 2019.

DATED this 30<sup>th</sup> day of May, 2019.

SENTENCE REVIEW DIVISION


  
Hon. Brenda Gilbert, Chairperson

  
Hon. Dan Wilson, Member

  
Hon. Luke Berger, Member

Copies mailed this 4<sup>th</sup> day  
of June, 2019, to:

Clerk of District Court (Original)  
Erik Robert Hunt #2115159, Defendant (2)  
Hon. Brad Newman  
Brent Getty, Defense Counsel  
Kelli Johnson Fivey, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division